

FIRST REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 170

97TH GENERAL ASSEMBLY

0894H.05P

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 571.030, 571.063, 571.101, and 571.117, RSMo, and to enact in lieu thereof five new sections relating to firearms, with a penalty provision and an emergency clause.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 571.030, 571.063, 571.101, and 571.117, RSMo, are repealed and
2 five new sections enacted in lieu thereof, to be known as sections 571.030, 571.048, 571.063,
3 571.101, and 571.117, to read as follows:

571.030. 1. A person commits the crime of unlawful use of weapons if he or she
2 knowingly:

3 (1) Carries concealed upon or about his or her person a knife, a firearm, a blackjack or
4 any other weapon readily capable of lethal use; or

5 (2) Sets a spring gun; or

6 (3) Discharges or shoots a firearm into a dwelling house, a railroad train, boat, aircraft,
7 or motor vehicle as defined in section 302.010, or any building or structure used for the
8 assembling of people; or

9 (4) Exhibits, in the presence of one or more persons, any weapon readily capable of
10 lethal use in an angry or threatening manner; or

11 (5) Has a firearm or projectile weapon readily capable of lethal use on his or her person,
12 while he or she is intoxicated, and handles or otherwise uses such firearm or projectile weapon
13 in either a negligent or unlawful manner or discharges such firearm or projectile weapon unless
14 acting in self-defense;

15 (6) Discharges a firearm within one hundred yards of any occupied schoolhouse,
16 courthouse, or church building; or

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 (7) Discharges or shoots a firearm at a mark, at any object, or at random, on, along or
18 across a public highway or discharges or shoots a firearm into any outbuilding; or

19 (8) Carries a firearm or any other weapon readily capable of lethal use into any church
20 or place where people have assembled for worship, or into any election precinct on any election
21 day, or into any building owned or occupied by any agency of the federal government, state
22 government, or political subdivision thereof; or

23 (9) Discharges or shoots a firearm at or from a motor vehicle, as defined in section
24 301.010, discharges or shoots a firearm at any person, or at any other motor vehicle, or at any
25 building or habitable structure, unless the person was lawfully acting in self-defense; or

26 (10) Carries a firearm, whether loaded or unloaded, or any other weapon readily capable
27 of lethal use into any school, onto any school bus, or onto the premises of any function or activity
28 sponsored or sanctioned by school officials or the district school board.

29 2. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not apply to the
30 persons described in this subsection, regardless of whether such uses are reasonably associated
31 with or are necessary to the fulfillment of such person's official duties except as otherwise
32 provided in this subsection. Subdivisions (3), (4), (6), (7), and (9) of subsection 1 of this section
33 shall not apply to or affect any of the following persons, when such uses are reasonably
34 associated with or are necessary to the fulfillment of such person's official duties, except as
35 otherwise provided in this subsection:

36 (1) All state, county and municipal peace officers who have completed the training
37 required by the police officer standards and training commission pursuant to sections 590.030
38 to 590.050 and who possess the duty and power of arrest for violation of the general criminal
39 laws of the state or for violation of ordinances of counties or municipalities of the state, whether
40 such officers are on or off duty, and whether such officers are within or outside of the law
41 enforcement agency's jurisdiction, or all qualified retired peace officers, as defined in subsection
42 11 of this section, and who carry the identification defined in subsection 12 of this section, or
43 any person summoned by such officers to assist in making arrests or preserving the peace while
44 actually engaged in assisting such officer;

45 (2) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other
46 institutions for the detention of persons accused or convicted of crime;

47 (3) Members of the Armed Forces or National Guard while performing their official
48 duty;

49 (4) Those persons vested by article V, section 1 of the Constitution of Missouri with the
50 judicial power of the state and those persons vested by Article III of the Constitution of the
51 United States with the judicial power of the United States, the members of the federal judiciary;

52 (5) Any person whose bona fide duty is to execute process, civil or criminal;

53 (6) Any federal probation officer or federal flight deck officer as defined under the
54 federal flight deck officer program, 49 U.S.C. Section 44921 regardless of whether such officers
55 are on duty, or within the law enforcement agency's jurisdiction;

56 (7) Any state probation or parole officer, including supervisors and members of the
57 board of probation and parole;

58 (8) Any corporate security advisor meeting the definition and fulfilling the requirements
59 of the regulations established by the board of police commissioners under section 84.340;

60 (9) Any coroner, deputy coroner, medical examiner, or assistant medical examiner;

61 (10) Any prosecuting attorney or assistant prosecuting attorney or any circuit attorney
62 or assistant circuit attorney who has completed the firearms safety training course required under
63 subsection 2 of section 571.111; and

64 (11) Any member of a fire department or fire protection district who is employed on a
65 full-time basis as a fire investigator and who has a valid concealed carry endorsement under
66 section 571.111 when such uses are reasonably associated with or are necessary to the fulfillment
67 of such person's official duties.

68 3. Subdivisions (1), (5), (8), and (10) of subsection 1 of this section do not apply when
69 the actor is transporting such weapons in a nonfunctioning state or in an unloaded state when
70 ammunition is not readily accessible or when such weapons are not readily accessible.
71 Subdivision (1) of subsection 1 of this section does not apply to any person [twenty-one]
72 **nineteen** years of age or older or eighteen years of age or older and a member of the United
73 States Armed Forces, or honorably discharged from the United States Armed Forces,
74 transporting a concealable firearm in the passenger compartment of a motor vehicle, so long as
75 such concealable firearm is otherwise lawfully possessed, nor when the actor is also in
76 possession of an exposed firearm or projectile weapon for the lawful pursuit of game, or is in his
77 or her dwelling unit or upon premises over which the actor has possession, authority or control,
78 or is traveling in a continuous journey peaceably through this state. Subdivision (10) of
79 subsection 1 of this section does not apply if the firearm is otherwise lawfully possessed by a
80 person while traversing school premises for the purposes of transporting a student to or from
81 school, or possessed by an adult for the purposes of facilitation of a school-sanctioned firearm-
82 related event or club event.

83 4. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not apply to any
84 person who has a valid concealed carry endorsement issued pursuant to sections 571.101 to
85 571.121 or a valid permit or endorsement to carry concealed firearms issued by another state or
86 political subdivision of another state.

87 5. Subdivisions (3), (4), (5), (6), (7), (8), (9), and (10) of subsection 1 of this section shall
88 not apply to persons who are engaged in a lawful act of defense pursuant to section 563.031.

89 6. Nothing in this section shall make it unlawful for a student to actually participate in
90 school-sanctioned gun safety courses, student military or ROTC courses, or other school-
91 sponsored or club-sponsored firearm-related events, provided the student does not carry a firearm
92 or other weapon readily capable of lethal use into any school, onto any school bus, or onto the
93 premises of any other function or activity sponsored or sanctioned by school officials or the
94 district school board.

95 7. Unlawful use of weapons is a class D felony unless committed pursuant to subdivision
96 (6), (7), or (8) of subsection 1 of this section, in which cases it is a class B misdemeanor, or
97 subdivision (5) or (10) of subsection 1 of this section, in which case it is a class A misdemeanor
98 if the firearm is unloaded and a class D felony if the firearm is loaded, or subdivision (9) of
99 subsection 1 of this section, in which case it is a class B felony, except that if the violation of
100 subdivision (9) of subsection 1 of this section results in injury or death to another person, it is
101 a class A felony.

102 8. Violations of subdivision (9) of subsection 1 of this section shall be punished as
103 follows:

104 (1) For the first violation a person shall be sentenced to the maximum authorized term
105 of imprisonment for a class B felony;

106 (2) For any violation by a prior offender as defined in section 558.016, a person shall be
107 sentenced to the maximum authorized term of imprisonment for a class B felony without the
108 possibility of parole, probation or conditional release for a term of ten years;

109 (3) For any violation by a persistent offender as defined in section 558.016, a person
110 shall be sentenced to the maximum authorized term of imprisonment for a class B felony without
111 the possibility of parole, probation, or conditional release;

112 (4) For any violation which results in injury or death to another person, a person shall
113 be sentenced to an authorized disposition for a class A felony.

114 9. Any person knowingly aiding or abetting any other person in the violation of
115 subdivision (9) of subsection 1 of this section shall be subject to the same penalty as that
116 prescribed by this section for violations by other persons.

117 10. Notwithstanding any other provision of law, no person who pleads guilty to or is
118 found guilty of a felony violation of subsection 1 of this section shall receive a suspended
119 imposition of sentence if such person has previously received a suspended imposition of sentence
120 for any other firearms- or weapons-related felony offense.

121 11. As used in this section "qualified retired peace officer" means an individual who:

122 (1) Retired in good standing from service with a public agency as a peace officer, other
123 than for reasons of mental instability;

(2) Before such retirement, was authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and had statutory powers of arrest;

(3) Before such retirement, was regularly employed as a peace officer for an aggregate of fifteen years or more, or retired from service with such agency, after completing any applicable probationary period of such service, due to a service-connected disability, as determined by such agency;

(4) Has a nonforfeitable right to benefits under the retirement plan of the agency if such a plan is available;

(5) During the most recent twelve-month period, has met, at the expense of the individual, the standards for training and qualification for active peace officers to carry firearms;

(6) Is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and

(7) Is not prohibited by federal law from receiving a firearm.

12. The identification required by subdivision (1) of subsection 2 of this section is:

(1) A photographic identification issued by the agency from which the individual retired from service as a peace officer that indicates that the individual has, not less recently than one year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the agency to meet the standards established by the agency for training and qualification for active peace officers to carry a firearm of the same type as the concealed firearm; or

(2) A photographic identification issued by the agency from which the individual retired from service as a peace officer; and

(3) A certification issued by the state in which the individual resides that indicates that the individual has, not less recently than one year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the state to meet the standards established by the state for training and qualification for active peace officers to carry a firearm of the same type as the concealed firearm.

571.048. 1. It shall be unlawful for any officer or employee of this state, or any political subdivision, or any federal firearms dealer licensed under 18 U.S.C. Section 923 to enforce or attempt to enforce any act, law, statute, rule, or regulation of the federal government created or effective on or after January 1, 2013, relating to a personal firearm, firearm accessory, or ammunition that is owned or manufactured commercially or privately in the state of Missouri and that remains exclusively within the boundaries of the state of Missouri.

2. Any official, agent, or employee of the federal government who enforces or attempts to enforce any act, order, law, statute, rule, or regulation of the federal

10 **government created or effective on or after January 1, 2013, upon a personal firearm, a**
11 **firearm accessory, or ammunition that is owned or manufactured commercially or**
12 **privately in the state of Missouri and that remains exclusively within the borders of the**
13 **state of Missouri shall be guilty of a class D felony.**

14 **3. Any person in violation of a federal law created or effective on or after January**
15 **1, 2013, relating to the manufacture, sale, transfer, or possession of a firearm, a firearm**
16 **accessory, or ammunition owned or manufactured and retained exclusively within the**
17 **boundaries of the state of Missouri may request the attorney general to defend him or her**
18 **for such violation.**

19 **4. Any federal law created or effective on or after January 1, 2013, rule, regulation,**
20 **or order created or effective on or after January 1, 2013, shall be unenforceable in the state**
21 **of Missouri if the law, rule, regulation, or order attempts to:**

22 **(1) Ban or restrict ownership of a semi-automatic firearm or any magazine of a**
23 **firearm; or**

24 **(2) Require any firearm, magazine, or other firearm accessory to be registered in**
25 **any manner.**

571.063. 1. As used in this section the following terms shall mean:

2 (1) "Ammunition", any cartridge, shell, or projectile designed for use in a firearm;

3 (2) "Licensed dealer", a person who is licensed under 18 U.S.C. Section 923 to engage
4 in the business of dealing in firearms;

5 (3) "Materially false information", any information that portrays an illegal transaction
6 as legal or a legal transaction as illegal;

7 (4) "Private seller", a person who sells or offers for sale any firearm, as defined in section
8 571.010, or ammunition;

9 **(5) "Private transaction" a transaction to sell or transfer ownership of a firearm**
10 **or ammunition between a person and his or her relative or friend.**

11 2. A person commits the crime of fraudulent purchase of a firearm if such person:

12 (1) Knowingly solicits, persuades, encourages or entices a licensed dealer or private
13 seller of firearms or ammunition to transfer a firearm or ammunition under circumstances which
14 the person knows would violate the laws of this state or the United States; or

15 (2) Provides to a licensed dealer or private seller of firearms or ammunition what the
16 person knows to be materially false information with intent to deceive the dealer or seller about
17 the legality of a transfer of a firearm or ammunition; or

18 (3) Willfully procures another to violate the provisions of subdivision (1) or (2) of this
19 subsection.

20 3. Any person, who is not a licensed dealer, engaged in a private transaction shall
21 be exempt from the national instant criminal background check system requirements of
22 federal law.

23 4. Fraudulent purchase of a firearm is a class D felony.

24 [4.] 5. This section shall not apply to criminal investigations conducted by the United
25 States Bureau of Alcohol, Tobacco, Firearms and Explosives, authorized agents of such
26 investigations, or to a peace officer, as defined in section 542.261, acting at the explicit direction
27 of the United States Bureau of Alcohol, Tobacco, Firearms and Explosives.

 571.101. 1. All applicants for concealed carry endorsements issued pursuant to
2 subsection 7 of this section must satisfy the requirements of sections 571.101 to 571.121. If the
3 said applicant can show qualification as provided by sections 571.101 to 571.121, the county or
4 city sheriff shall issue a certificate of qualification for a concealed carry endorsement. Upon
5 receipt of such certificate, the certificate holder shall apply for a driver's license or nondriver's
6 license with the director of revenue in order to obtain a concealed carry endorsement. Any
7 person who has been issued a concealed carry endorsement on a driver's license or nondriver's
8 license and such endorsement or license has not been suspended, revoked, cancelled, or denied
9 may carry concealed firearms on or about his or her person or within a vehicle. A concealed
10 carry endorsement shall be valid for a period of three years from the date of issuance or renewal.
11 The concealed carry endorsement is valid throughout this state.

12 2. A certificate of qualification for a concealed carry endorsement issued pursuant to
13 subsection 7 of this section shall be issued by the sheriff or his or her designee of the county or
14 city in which the applicant resides, if the applicant:

15 (1) Is at least [twenty-one] **nineteen** years of age, is a citizen of the United States and
16 either:

17 (a) Has assumed residency in this state; or

18 (b) Is a member of the Armed Forces stationed in Missouri, or the spouse of such
19 member of the military;

20 (2) Is at least [twenty-one] **nineteen** years of age, or is at least eighteen years of age and
21 a member of the United States Armed Forces or honorably discharged from the United States
22 Armed Forces, and is a citizen of the United States and either:

23 (a) Has assumed residency in this state;

24 (b) Is a member of the Armed Forces stationed in Missouri; or

25 (c) The spouse of such member of the military stationed in Missouri and [twenty-one]
26 **nineteen** years of age;

27 (3) Has not pled guilty to or entered a plea of nolo contendere or been convicted of a
28 crime punishable by imprisonment for a term exceeding one year under the laws of any state or

29 of the United States other than a crime classified as a misdemeanor under the laws of any state
30 and punishable by a term of imprisonment of one year or less that does not involve an explosive
31 weapon, firearm, firearm silencer or gas gun;

32 (4) Has not been convicted of, pled guilty to or entered a plea of nolo contendere to one
33 or more misdemeanor offenses involving crimes of violence within a five-year period
34 immediately preceding application for a certificate of qualification for a concealed carry
35 endorsement or if the applicant has not been convicted of two or more misdemeanor offenses
36 involving driving while under the influence of intoxicating liquor or drugs or the possession or
37 abuse of a controlled substance within a five-year period immediately preceding application for
38 a certificate of qualification for a concealed carry endorsement;

39 (5) Is not a fugitive from justice or currently charged in an information or indictment
40 with the commission of a crime punishable by imprisonment for a term exceeding one year under
41 the laws of any state of the United States other than a crime classified as a misdemeanor under
42 the laws of any state and punishable by a term of imprisonment of two years or less that does not
43 involve an explosive weapon, firearm, firearm silencer, or gas gun;

44 (6) Has not been discharged under dishonorable conditions from the United States
45 Armed Forces;

46 (7) Has not engaged in a pattern of behavior, documented in public records, that causes
47 the sheriff to have a reasonable belief that the applicant presents a danger to himself or others;

48 (8) Is not adjudged mentally incompetent at the time of application or for five years prior
49 to application, or has not been committed to a mental health facility, as defined in section
50 632.005, or a similar institution located in another state following a hearing at which the
51 defendant was represented by counsel or a representative;

52 (9) Submits a completed application for a certificate of qualification as described in
53 subsection 3 of this section;

54 (10) Submits an affidavit attesting that the applicant complies with the concealed carry
55 safety training requirement pursuant to subsections 1 and 2 of section 571.111;

56 (11) Is not the respondent of a valid full order of protection which is still in effect.

57 3. The application for a certificate of qualification for a concealed carry endorsement
58 issued by the sheriff of the county of the applicant's residence shall contain only the following
59 information:

60 (1) The applicant's name, address, telephone number, gender, and date and place of birth;

61 (2) An affirmation that the applicant has assumed residency in Missouri or is a member
62 of the Armed Forces stationed in Missouri or the spouse of such a member of the Armed Forces
63 and is a citizen of the United States;

64 (3) An affirmation that the applicant is at least [twenty-one] **nineteen** years of age or is
65 eighteen years of age or older and a member of the United States Armed Forces or honorably
66 discharged from the United States Armed Forces;

67 (4) An affirmation that the applicant has not pled guilty to or been convicted of a crime
68 punishable by imprisonment for a term exceeding one year under the laws of any state or of the
69 United States other than a crime classified as a misdemeanor under the laws of any state and
70 punishable by a term of imprisonment of one year or less that does not involve an explosive
71 weapon, firearm, firearm silencer, or gas gun;

72 (5) An affirmation that the applicant has not been convicted of, pled guilty to, or entered
73 a plea of nolo contendere to one or more misdemeanor offenses involving crimes of violence
74 within a five-year period immediately preceding application for a certificate of qualification to
75 obtain a concealed carry endorsement or if the applicant has not been convicted of two or more
76 misdemeanor offenses involving driving while under the influence of intoxicating liquor or drugs
77 or the possession or abuse of a controlled substance within a five-year period immediately
78 preceding application for a certificate of qualification to obtain a concealed carry endorsement;

79 (6) An affirmation that the applicant is not a fugitive from justice or currently charged
80 in an information or indictment with the commission of a crime punishable by imprisonment for
81 a term exceeding one year under the laws of any state or of the United States other than a crime
82 classified as a misdemeanor under the laws of any state and punishable by a term of
83 imprisonment of two years or less that does not involve an explosive weapon, firearm, firearm
84 silencer or gas gun;

85 (7) An affirmation that the applicant has not been discharged under dishonorable
86 conditions from the United States Armed Forces;

87 (8) An affirmation that the applicant is not adjudged mentally incompetent at the time
88 of application or for five years prior to application, or has not been committed to a mental health
89 facility, as defined in section 632.005, or a similar institution located in another state, except that
90 a person whose release or discharge from a facility in this state pursuant to chapter 632, or a
91 similar discharge from a facility in another state, occurred more than five years ago without
92 subsequent recommitment may apply;

93 (9) An affirmation that the applicant has received firearms safety training that meets the
94 standards of applicant firearms safety training defined in subsection 1 or 2 of section 571.111;

95 (10) An affirmation that the applicant, to the applicant's best knowledge and belief, is
96 not the respondent of a valid full order of protection which is still in effect; and

97 (11) A conspicuous warning that false statements made by the applicant will result in
98 prosecution for perjury pursuant to the laws of the state of Missouri.

99 4. An application for a certificate of qualification for a concealed carry endorsement shall
100 be made to the sheriff of the county or any city not within a county in which the applicant
101 resides. An application shall be filed in writing, signed under oath and under the penalties of
102 perjury, and shall state whether the applicant complies with each of the requirements specified
103 in subsection 2 of this section. In addition to the completed application, the applicant for a
104 certificate of qualification for a concealed carry endorsement must also submit the following:

105 (1) A photocopy of a firearms safety training certificate of completion or other evidence
106 of completion of a firearms safety training course that meets the standards established in
107 subsection 1 or 2 of section 571.111; and

108 (2) A nonrefundable certificate of qualification fee as provided by subsection 10 or 11
109 of this section.

110 5. Before an application for a certificate of qualification for a concealed carry
111 endorsement is approved, the sheriff shall make only such inquiries as he or she deems necessary
112 into the accuracy of the statements made in the application. The sheriff may require that the
113 applicant display a Missouri driver's license or nondriver's license or military identification and
114 orders showing the person being stationed in Missouri. In order to determine the applicant's
115 suitability for a certificate of qualification for a concealed carry endorsement, the applicant shall
116 be fingerprinted. The sheriff shall request a criminal background check through the appropriate
117 law enforcement agency within three working days after submission of the properly completed
118 application for a certificate of qualification for a concealed carry endorsement. If no
119 disqualifying record is identified by the fingerprint check at the state level, the fingerprints shall
120 be forwarded to the Federal Bureau of Investigation for a national criminal history record check.
121 Upon receipt of the completed background check, the sheriff shall issue a certificate of
122 qualification for a concealed carry endorsement within three working days. The sheriff shall
123 issue the certificate within forty-five calendar days if the criminal background check has not been
124 received, provided that the sheriff shall revoke any such certificate and endorsement within
125 twenty-four hours of receipt of any background check that results in a disqualifying record, and
126 shall notify the department of revenue.

127 6. The sheriff may refuse to approve an application for a certificate of qualification for
128 a concealed carry endorsement if he or she determines that any of the requirements specified in
129 subsection 2 of this section have not been met, or if he or she has a substantial and demonstrable
130 reason to believe that the applicant has rendered a false statement regarding any of the provisions
131 of sections 571.101 to 571.121. If the applicant is found to be ineligible, the sheriff is required
132 to deny the application, and notify the applicant in writing, stating the grounds for denial and
133 informing the applicant of the right to submit, within thirty days, any additional documentation
134 relating to the grounds of the denial. Upon receiving any additional documentation, the sheriff

135 shall reconsider his or her decision and inform the applicant within thirty days of the result of
136 the reconsideration. The applicant shall further be informed in writing of the right to appeal the
137 denial pursuant to subsections 2, 3, 4, and 5 of section 571.114. After two additional reviews
138 and denials by the sheriff, the person submitting the application shall appeal the denial pursuant
139 to subsections 2, 3, 4, and 5 of section 571.114.

140 7. If the application is approved, the sheriff shall issue a certificate of qualification for
141 a concealed carry endorsement to the applicant within a period not to exceed three working days
142 after his or her approval of the application. The applicant shall sign the certificate of
143 qualification in the presence of the sheriff or his or her designee and shall within seven days of
144 receipt of the certificate of qualification take the certificate of qualification to the department of
145 revenue. Upon verification of the certificate of qualification and completion of a driver's license
146 or nondriver's license application pursuant to chapter 302, the director of revenue shall issue a
147 new driver's license or nondriver's license with an endorsement which identifies that the
148 applicant has received a certificate of qualification to carry concealed weapons issued pursuant
149 to sections 571.101 to 571.121 if the applicant is otherwise qualified to receive such driver's
150 license or nondriver's license. Notwithstanding any other provision of chapter 302, a nondriver's
151 license with a concealed carry endorsement shall expire three years from the date the certificate
152 of qualification was issued pursuant to this section. The requirements for the director of revenue
153 to issue a concealed carry endorsement pursuant to this subsection shall not be effective until
154 July 1, 2004, and the certificate of qualification issued by a county sheriff pursuant to subsection
155 1 of this section shall allow the person issued such certificate to carry a concealed weapon
156 pursuant to the requirements of subsection 1 of section 571.107 in lieu of the concealed carry
157 endorsement issued by the director of revenue from October 11, 2003, until the concealed carry
158 endorsement is issued by the director of revenue on or after July 1, 2004, unless such certificate
159 of qualification has been suspended or revoked for cause.

160 8. The sheriff shall keep a record of all applications for a certificate of qualification for
161 a concealed carry endorsement and his or her action thereon. The sheriff shall report the issuance
162 of a certificate of qualification to the Missouri uniform law enforcement system. All information
163 on any such certificate that is protected information on any driver's or nondriver's license shall
164 have the same personal protection for purposes of sections 571.101 to 571.121. An applicant's
165 status as a holder of a certificate of qualification or a concealed carry endorsement shall not be
166 public information and shall be considered personal protected information. Any person who
167 violates the provisions of this subsection by disclosing protected information shall be guilty of
168 a class A misdemeanor.

169 9. Information regarding any holder of a certificate of qualification or a concealed carry
170 endorsement is a closed record.

10. For processing an application for a certificate of qualification for a concealed carry endorsement pursuant to sections 571.101 to 571.121, the sheriff in each county shall charge a nonrefundable fee not to exceed one hundred dollars which shall be paid to the treasury of the county to the credit of the sheriff's revolving fund.

11. For processing a renewal for a certificate of qualification for a concealed carry endorsement pursuant to sections 571.101 to 571.121, the sheriff in each county shall charge a nonrefundable fee not to exceed fifty dollars which shall be paid to the treasury of the county to the credit of the sheriff's revolving fund.

12. For the purposes of sections 571.101 to 571.121, the term "sheriff" shall include the sheriff of any county or city not within a county or his or her designee and in counties of the first classification the sheriff may designate the chief of police of any city, town, or municipality within such county.

571.117. 1. Any person who has knowledge that another person, who was issued a certificate of qualification for a concealed carry endorsement pursuant to sections 571.101 to 571.121, never was or no longer is eligible for such endorsement under the criteria established in sections 571.101 to 571.121 may file a petition with the clerk of the small claims court to revoke that person's certificate of qualification for a concealed carry endorsement and such person's concealed carry endorsement. The petition shall be in a form substantially similar to the petition for revocation of concealed carry endorsement provided in this section. Appeal forms shall be provided by the clerk of the small claims court free of charge to any person:

SMALL CLAIMS COURT

In the Circuit Court of, Missouri

....., PLAINTIFF

)

)

vs.) Case Number

)

....., DEFENDANT,

Carry Endorsement Holder

....., DEFENDANT,

Sheriff of Issuance

PETITION FOR REVOCATION
OF CERTIFICATE OF QUALIFICATION
OR CONCEALED CARRY ENDORSEMENT

24 Plaintiff states to the court that the defendant,, has a certificate of qualification
25 or a concealed carry endorsement issued pursuant to sections 571.101 to 571.121, RSMo, and
26 that the defendant's certificate of qualification or concealed carry endorsement should now be
27 revoked because the defendant either never was or no longer is eligible for such a certificate or
28 endorsement pursuant to the provisions of sections 571.101 to 571.121, RSMo, specifically
29 plaintiff states that defendant,, never was or no longer is eligible for such certificate or
30 endorsement for one or more of the following reasons:

31 (CHECK BELOW EACH REASON THAT APPLIES TO THIS DEFENDANT)

- 32 ☐ Defendant is not at least [twenty-one] **nineteen** years of age or at least eighteen years of
33 age and a member of the United States Armed Forces or honorably discharged from the
34 United States Armed Forces.
- 35 ☐ Defendant is not a citizen of the United States.
- 36 ☐ Defendant had not resided in this state prior to issuance of the permit and does not
37 qualify as a military member or spouse of a military member stationed in Missouri.
- 38 ☐ Defendant has pled guilty to or been convicted of a crime punishable by imprisonment
39 for a term exceeding one year under the laws of any state or of the United States other
40 than a crime classified as a misdemeanor under the laws of any state and punishable by
41 a term of imprisonment of one year or less that does not involve an explosive weapon,
42 firearm, firearm silencer, or gas gun.
- 43 ☐ Defendant has been convicted of, pled guilty to or entered a plea of nolo contendere to
44 one or more misdemeanor offenses involving crimes of violence within a five-year period
45 immediately preceding application for a certificate of qualification or concealed carry
46 endorsement issued pursuant to sections 571.101 to 571.121, RSMo, or if the applicant
47 has been convicted of two or more misdemeanor offenses involving driving while under
48 the influence of intoxicating liquor or drugs or the possession or abuse of a controlled
49 substance within a five-year period immediately preceding application for a certificate
50 of qualification or a concealed carry endorsement issued pursuant to sections 571.101 to
51 571.121, RSMo.
- 52 ☐ Defendant is a fugitive from justice or currently charged in an information or indictment
53 with the commission of a crime punishable by imprisonment for a term exceeding one
54 year under the laws of any state of the United States other than a crime classified as a
55 misdemeanor under the laws of any state and punishable by a term of imprisonment of
56 one year or less that does not involve an explosive weapon, firearm, firearm silencer, or
57 gas gun.
- 58 ☐ Defendant has been discharged under dishonorable conditions from the United States
59 Armed Forces.

- 60 ☐ Defendant is reasonably believed by the sheriff to be a danger to self or others based on
61 previous, documented pattern.
- 62 ☐ Defendant is adjudged mentally incompetent at the time of application or for five years
63 prior to application, or has been committed to a mental health facility, as defined in
64 section 632.005, RSMo, or a similar institution located in another state, except that a
65 person whose release or discharge from a facility in this state pursuant to chapter 632,
66 RSMo, or a similar discharge from a facility in another state, occurred more than five
67 years ago without subsequent recommitment may apply.
- 68 ☐ Defendant failed to submit a completed application for a certificate of qualification or
69 concealed carry endorsement issued pursuant to sections 571.101 to 571.121, RSMo.
- 70 ☐ Defendant failed to submit to or failed to clear the required background check.
- 71 ☐ Defendant failed to submit an affidavit attesting that the applicant complies with the
72 concealed carry safety training requirement pursuant to subsection 1 of section 571.111,
73 RSMo.

74

75 The plaintiff subject to penalty for perjury states that the information contained in this petition
76 is true and correct to the best of the plaintiff's knowledge, is reasonably based upon the
77 petitioner's personal knowledge and is not primarily intended to harass the defendant/respondent
78 named herein.

79

80, PLAINTIFF

81 2. If at the hearing the plaintiff shows that the defendant was not eligible for the
82 certificate of qualification or the concealed carry endorsement issued pursuant to sections
83 571.101 to 571.121 at the time of issuance or renewal or is no longer eligible for a certificate of
84 qualification or the concealed carry endorsement issued pursuant to the provisions of sections
85 571.101 to 571.121, the court shall issue an appropriate order to cause the revocation of the
86 certificate of qualification or concealed carry endorsement. Costs shall not be assessed against
87 the sheriff.

88 3. The finder of fact, in any action brought against an endorsement holder pursuant to
89 subsection 1 of this section, shall make findings of fact and the court shall make conclusions of
90 law addressing the issues at dispute. If it is determined that the plaintiff in such an action acted
91 without justification or with malice or primarily with an intent to harass the endorsement holder
92 or that there was no reasonable basis to bring the action, the court shall order the plaintiff to pay
93 the defendant/respondent all reasonable costs incurred in defending the action including, but not
94 limited to, attorney's fees, deposition costs, and lost wages. Once the court determines that the
95 plaintiff is liable to the defendant/respondent for costs and fees, the extent and type of fees and

96 costs to be awarded should be liberally calculated in defendant/respondent's favor.
97 Notwithstanding any other provision of law, reasonable attorney's fees shall be presumed to be
98 at least one hundred fifty dollars per hour.

99 4. Any person aggrieved by any final judgment rendered by a small claims court in a
100 petition for revocation of a certificate of qualification or concealed carry endorsement may have
101 a right to trial de novo as provided in sections 512.180 to 512.320.

102 5. The office of the county sheriff or any employee or agent of the county sheriff shall
103 not be liable for damages in any civil action arising from alleged wrongful or improper granting,
104 renewing, or failure to revoke a certificate of qualification or a concealed carry endorsement
105 issued pursuant to sections 571.101 to 571.121, so long as the sheriff acted in good faith.

Section B. Because immediate action is necessary to protect the rights of the citizens of
2 this state the enactment of section 571.048 of section A of this act is deemed necessary for the
3 immediate preservation of the public health, welfare, peace, and safety, and is hereby declared
4 to be an emergency act within the meaning of the constitution, and the enactment of section
5 571.048 of section A of this act shall be in full force and effect upon its passage and approval.

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